

## STATE PROPERTIES COMMITTEE

Tuesday, November 22, 2005

The meeting of the State Properties Committee was called to order at 10:04 A.M. by Chairman Jerome F. Williams. Other members present were, Richard Woolley, Esquire, representing the Department of Attorney General, Mr. John Ryan, representing the Department of Administration and Mr. Robert Kay, Public Member. Also present were, Ms. Marlene McCarthy-Tuohy and Mr. Arn Lisnoff, from the Department of Administration; Mr. Tim Patterson, from the Office of the Secretary of State; Misses Maureen McMahon and Grace Smith and Messrs David Coppotelli, Marc Malkasian, Dan Clarke, Robert Jackson, and Michael D. Mitchell, Esquire, from the Department of Transportation; Mr. Robert C. Bromley, from Senate Fiscal; Messrs. Steven E. Courville, Moe Clare and Clark Curtis speaking for the Providence Polo Club; Mr. Michael DiMascolo, from the R.I. State Fire Marshal's Office; Mr. Adam G. Gertsacov, from Bright Night Providence; Mr. Darryl Jett, from the City of Providence; Mr. Richard DelFino, from the Department of Corrections; Mr. Albert G. Brien, A. G. Brien and Associates; Messrs. Michael Burk and Peter Mancini, from the Department for Children, Youth and Families; Messrs. John Faltus and Raymond Pena and Gary Powers, Esquire, from the Department of Environmental Management; Norman G. Benoit, Esquire, Bond Counsel and Ms. Maureen Gurghigian, for the Rhode Island Convention Center Authority; Ms. Deborah Melino-Wender and Mr. Wilfred Gates, from the Capital Center Commission; Dr. Diana L. Hackney, from Make a Wish; Ms. Antoinete Breed, from the College Hill Neighborhood Association; Mr. Richard Galvin, from Commonwealth Ventures, LLC.; Tomas J. Liguori, Jr., Esquire, Charlestown Estates; Mr. Kevin Nelson, from Statewide Planning; and Mr. Daniel Barbarisi, from the Providence Journal.

### 1. OLD BUSINESS

2. NEW BUSINESS – Miscellaneous –The next scheduled meeting of the State Properties Committee is scheduled to be held on December 6, 2005.

The minutes of the meeting held on November 8, 2005 were approved.

A Special Meeting of the State Properties Committee will be scheduled for November 29, 2005.

ITEM A-1 DEPARTMENT OF ADMINISTRATION – A request was made by the Department for conceptual approval of the use of Station Park by the Providence Polo Club.

The Providence Polo Club opened their presentation up for any questions that the Committee had. The Chair, Mr. Williams stated this has raised a high level of activity. The Committee had brought up many questions. The Chair stated he has a list of issues, should the Committee proceed with conceptual approval, he would expect a response as part of the due diligence. The issues include:

- Are there any restrictions relative to the use of that land, based on the original acquisition by the state.
- The ability of public use of the park and sub-leasing
- safety and security for the park during polo matches
- The capacity for spectators
- The issue of weight limitations on the property due to the railroad
- How the Providence Polo Club was addressing any concerns that the Capital Commission may have
- The Committee had requested a comprehensive business plan. This would include a detailed plan, cost estimates, and verification that the Polo Club has the financial ability to construct, operate and maintain the facility.

The Chair stated this is all part of what the Committee normally requires as part of conceptual approval. This begins the process.

The Chair, Mr. Williams stressed the point that conceptual approval means that we start the process of due diligence relative to the use of Station Park for the proposal. It does not in any way mean that final approval is forthcoming. Again, it starts the due diligence process.

Mr. Kay questioned the previous experience of the Providence Polo Club.

The Providence Polo Club responded that it has assembled a specialized group of people who are all experts in their field. The club has an engineer, someone who has an enormous amount of business experience and experienced lobbyist and government affairs person and experienced horse person. The Club stated it would provide world class polo in the City of Providence. There are also restaurateurs who will help the club.

Mr. Ryan questioned if this would cut off the use of Station Park to others. The Club responded that it is deemed open space and it would be kept so. The club stated it welcomes any group and would never be exclusionary. However, the club does plan to spend a large amount of dollars in landscaping and does not want to destroy it. The club stated its needs to partner with the state and require its input on an ongoing basis. The club stated it would need the Capital Center Commission and the support and input of many officials to ensure that this project works. The Club stated it needs to work with the Department, the Capital Center Commission ongoing. The Club went on to further state it needs a partnership with the City and the State.

Mr. Woolley stated that a list should be compiled of all the various uses of Station Park in the past in terms of what groups would request to use it. Mr. Williams noted that this will be done.

The Club addressed the weight issue. It has been in contact with Amtrak and there has been no objection on their part. The Chair, Mr. Williams stated that the Club should also contact the Department of Transportation relative to certifications by engineers regarding weight issues.

Mr. Clark Curtis spoke about the social infrastructure and how it would address issues playing in an inter-city environment to ensure that no one is left out. Conversations have taken place with City Council members and minority groups. The Club stated it wants to make certain that all people will feel at home. The Club is not an exclusionary club and everyone will be welcome at the Providence Polo Club.

The Chair, Mr. Williams opened the meeting up to public concerns and questions.

Ms. Antoinette Breed, a resident of the College Hill area in Providence and member of the College Hill Neighborhood Association addressed the Committee. She addressed the matter of noise. She stated that the polo games are called over a loud speaker system. Neighbors to the polo field in Portsmouth, where the games are on a 100 acre site complain about the noise pollution from the games. She stated that in this particular location, the sound actually bounces off the stone buildings and in some areas, you cannot talk on the telephone with the sound coming in. She stated these are high tax properties and the owners are entitled to the quiet enjoyment of their homes. Ms. Breed went on to say that Providence has gotten national recognition as a City for its quality of life, but noise, traffic and fenced in space contradict that concept. She went on to say, open space in a downtown urban area are considered to be a very high quality of life issue and isn't it a contradiction to plan high priced residences in the downtown area and then have loud speaking systems polluting the airways.

Mr. Wilfred L. Gates, Jr., Chairman of the Design and Review Committee of the Capital City Commission spoke next.

Mr. Gates stressed that neither the Design Review Committee nor the Capital City Commission has met or acted on this matter. He stated that according to the United States Polo Association, polo is played on a field that is 160 yards wide with 11" boards at the edges by 300 yards long. He stated Station Park is not large enough for safe outdoor regulation polo. Arena polo appears to require 100 by 50 yards and the field must be surrounded by a fence to protect spectators and to keep the horses controlled and a second outer fence would be required. This would fit the area and would require substantial re-grading and re-construction of the park. He went on to say, one might ask if arena size polo would produce the interest to justify giving up Station Park for most other uses. Mr. Gates stated Station Park is the only major green space, save the State House grounds in downtown Providence. It is a logical use for the air rights over the Amtrak tunnel and contributes a pleasing setting to the State House. Also, he stated Station Park is a green space in the public realm. A place that the general public can use for enjoyment. It can and should periodically host outdoor events. He went further to say, while others will justifiably address the integrity of the tunnel, closing off air vents, charging admission for private use of public property and public safety concern, he would be urging the Capital Center to ask these questions of the proponents. Are we changing the development conditions after the fact, for developers who expect Station Park to be an amenity for the public at large. Have we misrepresented, with possible legal ramifications, the future ambience of Capital Center. Will the vibrations, sounds and smells of horses on an all summer long basis, bother residents. Is it possible to keep this field green and dust free given that it will be undersized and subject to intense wear. How will sanitary facilities for both humans and horses be provided. What are the conditions in the holding area during matches. Can these areas be cleaned without washing polluted water into Water Place. Where will the refuse area for Bella Vista be

located to. Will outdoor dining and street life be made dangerous or unpleasant as a by-product of this use. Are there any allergy or health issues from air borne particles kicked up during the games. Who will be responsible if the public should be dirtied or made ill by any of the field conditions between matches. Will an eight-foot perimeter fence and screen trees not to mention a worn green field, effectively close the park to the public. Will the Department of Transportation's \$1M set aside for the \$4M cost of repairing the leaking tunnel and building a beautiful urban park now be unavailable. Will the State House grounds be damaged by being forced to host events that would be more appropriate at Station Park. Will the semi-permanent infrastructure for polo negatively impact the historic tourist value of the State House. What will be the effect of closing down Financial Way during matches. Mr. Gates stated polo on Station Park is such an unexpected, unusual and unknowable proposal, Capital Center Commission members will have a difficult time deciding to waive its own rules and regulations in favor of a ten year commitment of this public open space for limiting private use. He stated, if the Committee sees fit to grant preliminary approval, he respectfully suggests that the Committee require a reasonably realistic live equestrian demonstration at Station Park. This would not be a polo match, as the field is not safe or arranged for a match, but a gathering of 10-12 horses, with their trailers and equipment, they should perform some group riding in the area, so that all will have a better understanding of the scale and nature of the event before making final decisions.

Ms. Deborah Melino-Wender, Executive Director of the Capital Center Commission spoke regarding some of the regulations. Station Park is considered part of the critical open space network which help defines capital center and is clearly defined in the regulations as part of the public realm. Station Park is defined within its regulations as 1) a major urban amenity; 2) as the largest open space within capital center, and 3) as a

critical open space resource. Its importance at the foot of the historic State House cannot be overstated. Additionally, Station Park provides a visual and required linkage between downtown and the State House and is part of the required view corridor from Union Station to the State House. The regulations call for development of a Master Plan for Station Park, which would include landscaping, additional pedestrian pathways, public art and programmed uses. The regulations require pedestrian pass through State House park to link water place to the State House lawn. The Commission has long been concerned about the deteriorating condition of Station Park. Over the last few years it has been meeting with representatives from the Department of Administration to identify funding sources to improve the condition of the park, develop the required Master Plan and make it more welcome and useful to the public. It has proposed a community design to help identify what may take place at Station Park. Due to funding constraints, additional funding request did not make the final budget cut. The Commission is working with the Departments of Administration and Transportation and have applied for an enhancement grant to improve the space as a critical open space for all and are in the process of identifying other private funding sources. If the polo project goes forward, this would set aside this effort. Presently, the project as proposed is not in conformance with Capital Center regulations. The regulations state that Station Park, also referred to as “State House Park”, shall be an expansive green lawn which completes the open space link and is envisioned as an informal yet critical open space garden for the district. Pedestrian paths shall be provided and plantings and paths shall be organized so as to reinforce the access between the State House and Union Station. It shall be a public open space. The plan emphasizes pedestrian circulation and access through the streets, open spaces and river walk. High fences, horse paddocks and large tents were not envisioned as part of this open space vision for this area. Station Park, as part of the

original capital center development plan was established with Federal dollars. It is specifically identified as part of the public ground. She stated the proposed polo plan is exciting, but the ability of this site to accommodate all of the program uses needs to be thoroughly explored. The site is irregularly shaped and only has 4 ½ acres. Also what needs to be explored is how the site could accommodate the playing fields, the hospitality area, the spectator area, public bathrooms, horse trailers and all the support services required for these events. The location of a considerable hospitality tent with corporate banners and its visual impact at the State House, the view corridor and the surrounding properties will need to be carefully considered. Given the importance of green space and pedestrian accessibility and circulation identified within the Capital Center Commission's regulations, the impact of this project on the public realm will be critical. City ordinances will need to be examined.

Ms. Diana Hackney, a resident and a member of "Make a Wish", spoke to the group. Ms. Hackney moved from another state and spoke in favor of the project. Having experienced seeing polo matches in Virginia and in Jamestown, she was pleased to see that event may take place here. She went on to say, the ability to have those persons involved with "Make a Wish" and to be involved and benefit from this project, is tremendous. She sees this project as a wonderful event and applauds the concept.

Mr. Richard Galvin, President of Commonwealth Ventures, one of the companies developing the GTECH headquarters building on Francis Street, spoke to the Committee. He was speaking on behalf of the ownership, not GTECH. He stated he does not have enough information about the proposal, but does have one comment. His company is investing substantial money to build the GTECH Building. Throughout the process it went through with the Capital Center Commission, and understanding Water Place Park and all that was going on, it was their expectation that Station Park was a public amenity



and always be a public amenity for its tenants. Mr. Galvin stated on behalf of the ownership, that it was their expectation that it would always be a public park.

Mr. Nick Isserlin, Director of Development for Intercontinental Real Estate Corporation spoke. That company is developing Water Place Condominiums. The company is making a significant investment in the downtown infrastructure, both in terms of providing dwelling units and investing in infrastructure in the hopes of attracting future development. He stated a large part of that attraction for the future development is “Finance Way” and unimpeded access. He heard that Finance Way may be closed for events. He stated that traffic and parking is always an issue with a project of that magnitude and he has concerns about traffic flow and access and whether Finance Way will be permeable or not for its residents and for future development on its site. He spoke about the traffic patterns. In addition, his company is providing a development of exceptional quality and the use of polo has certain connotations. World class polo was mentioned. He stated world class suggests regulation accommodations and that takes a lot of infrastructure to fuel world class polo’s big teams, big sponsors, lots of notariety, and in creating a world class environment on what seems to be a substandard pitch, that would be a big concern. The company is interested in quality and surroundings for its residents and need to sell its condominiums with expectations of open space. He stated the company invites the opportunity to discuss this further with the proponents.

The Polo Club responded regarding the size of the field. He stated it is true that the regulation field is 160 by 300 yards, however 90% of the polo played is not played on a field like that. There are concerns about having a field that large, one of which is spectator enjoyment. This is more a social event and that is the attraction of the polo match. The club stated it will be world class. The club stated it will bring some panache to any development located nearby. In terms of usage, the club responded that it will

always be open to the public. It will never be closed to the public except for the events that it sponsors. Additional discussion regarding all the concerns took place.

The Chair, Mr. Williams stated again that this is an interesting concept. The Committee has to do proper due diligence and concerns from others today will have to be addressed by the club. He stated if the Committee grants conceptual approval, to be clear due diligence would then begin. This is not an automatic final approval. It will depend on what information is given the Committee. He suggested that the Providence Polo Club needs to return to the Committee with formal documentation responding to all of the issues that have been raised. At the point the Polo Club is ready, the Committee will place the proposal on the Agenda. He also suggested that if conceptual approval was granted, the club should meet with the various groups who are here today to discuss the concerns they have.

Mr. Kay questioned if there was a time limit on this matter. Discussion ensued. The Chair stated one of the things the Committee has done in the past is move forward to the first phase and allows the presenter to come forward and actually conduct due diligence. The Chair stated, conceptual approval does not mean it is approved, but allows the presenters to respond to the due diligence process. They would then come back only when they have sufficient responses to the issues that have been raised. The Committee still has the final determination as to whether they have met an appropriate response to the issues raised.

A motion was made by Mr. John Ryan and seconded by Mr. Woolley to approve the request of the Department for conceptual approval of the use of Station Park by the Providence Polo Club. Mr. Woolley stated concerns about the Capital Center Commission's extensive discussions and concerns and the legal issues that may be involved in what use restrictions there are. This may not be something that is

permissible. The Chair stated he has asked the Department's legal department to review the acquisition of the property and the legal restrictions on the property. He stated he would not be a position to move forward one way or another without getting that information back and he would provide that. Mr. Woolley stated he would move favorably on conceptual approval if it is subject to satisfying the concerns of the Capital Center Commission.

An amended motion was made by Mr. Ryan and seconded by Mr. Woolley to grant the Department conceptual approval of the use of Station Park by the Providence Polo Club, subject to meeting the conditions by the Capital Center Commission.

Passed Unanimously

ITEM A - DEPARTMENT OF ADMINISTRATION – A request was made by the Department for final approval and signatures on an Easement with Narragansett Electric for the Cranston Street Armory.

This Easement will allow the Narragansett Electric Company to locate a transformer and concrete pad on the Cranston Street side of the Cranston Street Armory in Providence.

Mr. John recused himself from voting.

A motion was made by Mr. Kay and seconded by Mr. Woolley to approve the request of the Department for final approval and signatures on an Easement with Narragansett Electric for the Cranston Street Armory.

Passed Unanimously

ITEM B – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for final approval and signatures on a Lease Agreement for the Cranston Street Armory with Have No Fear Productions.

At the request of the Department, this matter was deferred to November 29, 2005.

ITEM C – OFFICE OF THE SECRETARY OF STATE – A request was made by the Office of the Secretary of State for final approval and signatures on the option to extend the Lease with Paolino Properties, LP for space at 343-344 Westminster Street, Providence.

The Office of the Secretary of State currently leases 16,000 square feet of space at 343-344 Westminster Street, Providence. The term of the lease was February 1, 1996 to January 31, 2001. The lease included an option to renew for two successive terms of five years each. The first option was exercised at the same rent, terms and conditions in the lease and was approved on November 21, 2000. Unless the second option is exercised, this lease is scheduled to expire on January 31, 2006. The Office of the Secretary of State had appeared before the Committee for permission to enter into negotiations regarding the space that houses the archives located on Westminster Street, Providence and owned by Paolino Properties, LP. The Office of the Secretary of State exercised the five (5) year option at the rate of \$15.50 per square foot. A heat escalator clause has also been agreed upon that will be established with a base year of February 2006 through January 2007. The lease also includes an Option to Renew for an additional term of five (5) years commencing on February 1, 2011. Prior to the commencement of the option term, the annual rent shall be agreed upon by the parties, but shall not exceed \$19.00 per square foot. The lease provides for improvements to the building, including installation of a new alarm system which includes connecting water alarms in the basement to the alarm panel.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Office of the Secretary of State for final approval and signatures on the option to extend the Lease with Paolino Properties, LP for space at 343-344 Westminster Street, Providence.

Passed Unanimously

ITEM D - DEPARTMENT OF ADMINISTRATION – A request was made by the Department for approval of the use of the Department of Transportation and the Health Department parking lots December 31, 2005 for “Make This New Years Eve a Bright Night”, by Bright Night Providence.

This is the third year that Bright Night Providence has used this area. This is a joint venture with the City of Providence. The damage deposit has been increased to \$750.00 from \$500.00 and it has been made mandatory that clean up is done after the fire works display.

Mr. DiMascolo, from the Rhode Island State Fire Marshal’s indicated he has the complete application from the Colonial Fireworks, the company that will do the shooting of the fireworks.

A motion was made by Mr. Ryan and seconded by to Mr. Woolley to approve the request of the Department for approval of the use of the Department of Transportation and the Health Department parking lot December 31, 2005 for “Make This New Years Eve a Bright Night”, by Bright Night Providence.

Passed Unanimously

ITEM E – DEPARTMENT OF CORRECTIONS – A request was made by the Department for final approval and signatures on a Lease for office space at 800 Clinton Street, Woonsocket.

This request is for final approval and signatures on a Lease with AAA Realty, Inc., for space for the Adult Probation and Parole Office located at 800 Clinton Street, Woonsocket. The Lease is for 2,800 square feet of space. This is a five (5) year option. Rent is at the rate of \$12.39 per square foot. The current location at 62 Hamlet Avenue,

Woonsocket is approximately 1,200 square feet and is not inadequate for the Department's needs.

Mr. Albert Brien, the current landlord of the space occupied by the Department spoke. He questioned the date of Department's departure from the current location. He felt there would be a holdover, which he would not object to. He also brought up the issue of getting the permits from the City of Woonsocket to the site at 800 Clinton Street. He questioned if the Lease was written subject to getting zoning approval for this site. Mr. Brien stated an occupancy permit for the location cannot be granted for this use without a special use permit having been granted by the Zoning Board. Discussion took place regarding this issue. Mr. Woolley referenced Paragraph 12 of the proposed lease which talks about the general representations and warranties of the landlord, one of them being, the use of the leased of the premises by the tenant for the purposes set forth in this lease will not violate the provisions of any lease, mortgage or agreement, restriction or zoning or building law or code or ordinance in effect and applicable with respect to the leases premises. Mr. Woolley stated the landlord is representing that the permit is not necessary. The Chair, Mr. Williams stated the landlord needs to confirm that.

A motion was made by Mr. Woolley and seconded by Mr. Kay move this matter to the Special Meeting of November 29, 2005 to allow for clarification of the issue relative to a special needs permit.

Passed Unanimously

ITEM F – DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES – A request was made by the Department for approval and signatures on an Amendment to the Lease with Jesse Metcalf Associates for additional parking for 101 Friendship Street, Providence.

The Department currently has the sole use of two parking lots on Stewart Street, Providence for a total of 250 parking spaces. This Amendment will allow the Department to purchase an additional 15 spaces at the rate of \$85.00 per month per space. The total additional monthly cost would be \$1,275.00. The renegotiated Lease that the Department had signed in August, 2005 increased the Department's parking space capacity by 25 spaces and this would add an additional 15. There are approximately 460 employees in the building and this would bring a total of 265 spaces for those employees.

A motion was made by Mr. Ryan and seconded by Mr. Woolley to approve the request of the Department for approval and signatures on an Amendment to the Lease with Jesse Metcalf Associates for additional parking for 101 Friendship.

Passed Unanimously

ITEM G – DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES – A request was made by the Department for approval and signatures on an Amendment to the Lease with Boucher Properties LLC to include cleaning services.

The Department leases space in the Cornerstone Building, Woonsocket, for its Juvenile Probation Office. The building was sold and the new owner realized that there were no janitorial services for the Department's offices. An agreement has been made for these janitorial services. This amendment would require the landlord to provide supplying trash liners, toilet paper and paper towels. In addition, it would be responsible for cleaning services twice weekly to include vacuuming carpets and the cleaning for the bathroom, floor washing and trash removal. The additional cost would be of \$247.00 per month. This would increase the annual rent from \$24,000.00 to \$24,964.00.

A motion was made by Mr. Ryan and seconded by Mr. Woolley to approve the request of the Department for approval and signatures on an Amendment to the Lease with Boucher Properties LLC to include cleaning services.

Passed Unanimously

ITEM H – DIVISION OF HUMAN SERVICES AND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on an Amended Cooperative Agreement relative to the boat ramp located at the Veterans Home, Bristol.

This is to amend a Cooperative Agreement that was approved by the Committee between the Department of Environmental Management and the Department of Human Services to rehab a boat dock that is located on property owned by the Department situated behind the Veterans' Home in Bristol to provide public access to the boating community. It was anticipated that the United States Fish and Wildlife Service (USFWS) would provide the funding. Subsequent to the November 9, 2004 approval of the original Cooperative Agreement, the USFWS modified its funding policy. Although funding was previously available for contracts having a term of twenty-five (25) years, the USFWS has changed its policy such that grants are now only available for projects in which the public can be assured of the use of the funded project for at least twenty - five years. In order to qualify for the funding of \$1.2M, the USFWS requires that the cooperative agreement be slightly modified to extend the term of the contract from twenty-five years to twenty five years from the date the ramp is open to the public.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for final approval and signatures on an Amended Cooperative Agreement relative to the boat ramp located at the Veterans Home, Bristol.

Passed Unanimously

A motion was made by Mr. Kay and seconded by Mr. Ryan to move Item "O" to the next Item.

Passed Unanimously



ITEM O – DEPARTMENT OF ADMINISTRATION – A request was made by the Department for approval and signatures on a Lease and Agreement and a Sublease in conjunction with the Providence Civic Center (Dunkin' Donuts Center).

This is a Lease and Agreement between the Rhode Island Convention Center Authority as Lessor, and the State of Rhode Island as Lessee. The Sublease is between the State of Rhode Island as Lessor and the Authority as Lessee for the Providence Civic Center. This relates to the Providence Civic Center, now known as the Dunkin Donuts Center. Background information was given at the State Properties Committee meeting on October 11, 2005. In the 2005 budget, the General Assembly had an article which authorized the State to enter into a financing lease in order to support up to \$92.5 Million in bonds to be issued by the Rhode Island Convention Center Authority to acquire the Providence Civic Center from the City of Providence for \$28.5M, and to spend approximately \$60M in renovations. This is a financing Lease. The Rhode Island Convention Center Authority will acquire the Providence Civic Center from the City of Providence. It authorizes the State to enter into a financing lease to provide the payment stream for the Authority's obligations for the project. Payment would be subject to annual appropriation by the General Assembly. Under this Lease and Agreement language provides that the State would not use other funds to acquire a similar facility to the Providence Civic Center unless another facility of comparable size, capacity and function is constructed in the City of Providence with the written approval of the City of Providence or the City of Providence otherwise agrees. The term of the Lease is thirty (30) years. The Rhode Island Convention Center Authority approved this transaction this morning. The Providence Civic Center has given their approval. The City Council, for the City of Providence does need to give approval, which is forthcoming. They are doing this conveyance through the Providence Redevelopment Agency, which also needs to

approve. A closing is anticipated in the first two weeks in December. The Chair, Mr. Williams stated if there are any changes after the Committee grants approval, that the Authority should return to the Committee.

A motion was made by Mr. Kay and seconded by Ryan to approve the request of the Department for approval and signatures on a Lease and Agreement and a Sublease in conjunction with the Providence Civic Center (Dunkin' Donuts Center).

Passed Unanimously

A motion was made by Mr. Kay and seconded by Mr. Woolley to move Item "N" to the next Item.

Passed Unanimously

ITEM N – DEPARTMENT OF TRANSPORTATION –A request was made by the Department for conceptual approval to convey property located on Airport Road, Westerly to Charlestown Estates, Inc.

Charlestown Estates, Inc./Thomas Liguori, Esquire, has approached the Department requesting to acquire 77,188 square feet of state owned land on Airport Road. Charlestown Estates, Inc. is currently entered into a twenty year access agreement in 1987 that permitted Charlestown Estates, Inc. to construct an access road bisecting the parcel located along Airport Road in Westerly. They have requested to purchase this irregular shaped parcel of land, which includes this access road. The property has no other improvements and is adjacent to three lots owned by Charlestown Estates Inc. The access road is the only means to and from the adjacent lots. Improvements on these lots include two office buildings. The Department has determined this to be surplus land and it has no transportation purposes to the Department. The Department has appraised the property and determined the market value for the sale to be \$1.00 per square foot or \$77,200.00. Correspondence has been received

from the Department of Environmental Management and Statewide Planning. The Department of Environmental Management and Statewide Planning have indicated that the parcels should remain as landscape buffers only and no development would be allowed. The Department has also received comments from the Town Planner that indicated because of the shape of the parcel, because of the topography of the parcel and the setback requirements, that potentially only 50% of the parcel is developable. The Department disagrees with the Department of Environmental Management and Statewide Planning to put those restrictions on the land.

Mr. Nelson stated his concern was the proximity to the airport. Statewide Planning is not opposed to having some development take place. Without knowing specifically what the development would be, they were not able to find out if it were to conform to the State Guide Plan. If there is a specific proposal for development, Statewide Planning would be agreeable to look at that and offer a recommendation, but absent that, Statewide Planning felt the safest thing would be to say it is un-developable and there is no potential problem there. The Department has notified the Rhode Island Airport Corporation and Mr. Liguori that any type of development in those areas are subject to the FAA Restrictions. That application reviews any type of height restrictions for antennas, lights, landscaping, so the property would be sold to Charlestown Estates with that stipulation on it. Mr. Liguori spoke and stated it is understood that if the property is sold, it would be sold with a restriction that nothing can be built on the property without FAA approval. He further discussed the easement. Mr. Liguori stated they would be in agreement with a conveyance with the restrictive covenant, or would be amenable to the purchase of the two rights of way that have existed and a second means of egress that has been required by the Fire Chief. Additional discussion ensued. The Chair, Mr. Williams stated he wants to make certain that Statewide Planning and the

Town are comfortable with this and that it matches the needs of the airport so that we are not impacting the airport in any way. The concerns of Statewide Planning need to be addressed before the Department returns for final approval.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for conceptual approval to convey property located on Airport Road, Westerly to Charlestown Estates, Inc.

Passed Unanimously

ITEM I – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on a License Agreement with Opening Night Newport Inc. to hold a fireworks display at Fort Adams State Park December 31, 2005.

This is an annual request and is part of the City of Newport's New Years Eve celebration. The Department is waiting for the approved permit from the City of Newport and Certificate of Insurance.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for approval and signatures on a License Agreement with Opening Night Newport Inc. to hold a fireworks display at Fort Adams, subject to receipt of the final approved permit from the City of Newport and the Certificate of Insurance.

Passed Unanimously

ITEM J – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on an Agreement and Assignment of Development Rights with the City of Warwick for development rights to the Morris Farm, on Warwick Avenue and West Shore Road, Warwick.

The City of Warwick was awarded an Open Space Grant in the amount of \$300,000.00 to purchase the development rights to the Morris Farm. The City of

Warwick purchased the development rights for \$1,600,000.00. The development rights to the property comprise 43 acres of land. The appraised value is \$1,540,000.00. A map was displayed depicting the area. The Department has joint authority with the City over the development rights.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for approval and signatures on an Agreement and Assignment of Development Rights with the City of Warwick for development rights to the Morris Farm, on Warwick Avenue and West Shore Road, Warwick.

Passed Unanimously

ITEM K – DEPARTMENT OF TRANSPORTATION/DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – A request was made by the Department for approval and signatures on a Certificate of Transfer of land located adjacent to the Wood River on Switch Road, Hopkinton from the Department of Transportation to the Department of Environmental Management.

The Department of Transportation is transferring the custody and control of 3 acres of land adjacent to the Wood River on Switch Road in Hopkinton to the Department of Environmental Management. The Department of Environmental Management will use this parcel for erosion control and a public access enhancement project in conjunction with the Wood Pawcatuck Watershed Association. This was conceptually approved on August 30, 2005. This Certificate of Transfer will be forwarded to Governor Carcieri for his signature.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for approval and signatures on a Certificate of Transfer of land located adjacent to the Wood River on Switch Road, Hopkinton from the Department of Transportation to the Department of Environmental Management.

ITEM L – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for conceptual approval to convey property located at Belvedere Drive and Evans Way, Cranston.

This property is located at the corner of Belvedere Drive and Glen Hills Drive, fronting on Evans Way in the Garden Hills section of Cranston. The property consists of 30,025 square feet of land. The Department was approached by Robert and Paula Cicerone to purchase this property and merge it with their abutting parcel to build a home. The Department is not certain if it is buildable. The Department had met with the Planner in the City of Cranston and there are set back requirements of 25 feet. The Department would like to move forward with this and have the appraisers look at it and determine if it is a buildable lot. If it is a buildable lot, the Department will move in a different direction, otherwise, it will look to the abutter to purchase the property. Correspondence was received from Kevin J. Nelson, Statewide Planning which stated as follows.

“I have completed the review of the above referenced proposal and am pleased to provide the State Properties Committee an advisory report.

‘It appears that a portion of this parcel of land was first offered for surplus in 2003. At that time, it generated significant interest from several parties including the City, Rhode Island Housing, Omni Development Corporation (a non-profit housing developer), and a private individual, Mr. John Guisti.

‘Our main finding was that, “State-owned land suitable for affordable housing is a rare commodity. The need for affordable housing is well documented. Furthermore, State Guide Plan Element 421: State Housing Plan establishes as Goal Number 5, Affordability: provide an adequate number of affordable housing units for low income and special needs citizens.” We recommend that the State Properties Committee approve the disposal of this parcel of land at public auction “only if the City of Cranston clearly forgoes its right of refusal and if the aforementioned requests for housing purposes have been fully explored and deemed impractical.” We are not aware of the follow-up to this recommendation.

‘Notification of the proposed transaction was sent to the City Planner, Jared Rhodes, for comment as to conformance with the Community Comprehensive Plan as well. While I have not yet received a written response, in a telephone conversation with Mr. Rhodes he indicated that the City would have no objection to this transaction.

‘The thrust of our original finding—that surplus State-owned land suitable for affordable housing is a rare and valuable resource-and our recommendation that all options for developing this land for affordable housing be exhausted before selling the land for other uses, remain valid. Therefore, we continue to recommend that unless it has been clearly determined that this land is unsuitable or impractical for affordable housing, it should not be sold for other purposes.’”

The Chair, Mr. Williams stated he received correspondence from Ms. Noreen Shawcross, who is Chief of the Office of Housing and Community Development, reiterating the fact there is a crisis in affordable housing. The Chair stated it makes sense to see if there is an interest, not just to the abutter, but in affordable housing as well. The Chair, Mr. Williams stated, based on the level of interest and the comments received, rather than offering this to the abutters, he feels that it should go out to public bid.

A motion was made by Mr. Ryan and seconded by Mr. Woolley to approve the request of the Department for conceptual approval to convey property located at Belvedere Drive and Evans Way, Cranston.

Passed Unanimously

ITEM M – DEPARTMENT OF TRANSPORTATION – A request was made by the Department for approval and signatures on a Lease Agreement with Andrew J. Mitrelis for property adjacent to 2 James Street, Providence.

At the request of the Department, this matter was deferred to December 6, 2005.

The Committee moves to go into Executive Session, pursuant to Rhode Island General Law 42-46-4 (a)(5) for the specific purpose of discussion or consideration related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

A Motion was made to go into Executive Session by Mr. Woolley and seconded by Mr. Ryan. A roll call vote was made. Mr. Woolley voted "Aye", Mr. Ryan voted "Aye", and the Chair voted "Aye".

A Motion was made by Mr. Ryan and seconded by Mr. Woolley to close the Executive Session and return to the regular meeting. The Motion was approved unanimously.

After reviewing Items "P", "Q" and "R" and "S" in Executive Session, the Committee acted on those matters in the regular session.

ITEM P - DEPARTMENT OF TRANSPORTATION – An update on the proposed conveyance of property located on Normandy Drive, Cranston was made and a request was made by the Department to continue with the conveyance to Raymond Gentile.

The Department is seeking conceptual approval of the conveyance of 11,600 square feet of land to the abutter, Raymond Gentile. The property was deeded excess by the Department's Land Sales Committee on April 26, 1999 and on August 17, 1999 the Committee granted the Department conceptual approval, conditional on whether or not the parcel was a stand alone building lot. It was determined it was not. This sale was never completed due to the difference in opinion of the market value of the parcel. Mr. Gentile, is still interested in this acquisition. The Department re-appraised it on June 8, 2005 and the market value for unrestricted use was \$8.00 per square foot. Mr. Gentile



countered with a \$5.00 per square foot offer. The Department negotiated a deal with Mr. Gentile that the Department would restrict the property in perpetuity to be used for passive use, no buildings or structures thereon for \$5.00 per square foot. The Department had planned to come before the Committee with that proposal. Mr. Gentile expressed a change with that deal and agreed to pay the amount of \$8.00 per square foot with no restrictions. This has been approved by the Department's Land Sales Committee.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department to continue with the conveyance to Raymond Gentile.

Passed Unanimously

ITEM Q - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for conceptual approval of the acquisition of Condemnation Plat 344A, Parcel 1P, Atwood Avenue and Cherry Hill Road, Johnston.

The Department is constructing a traffic signal and equipment at the intersection of Atwood Avenue (Route 5) and Cherry Hill Road in Johnston. This is for a Loop Detector, in order to maximize the efficiency of a lighted intersection for safety and traffic flow. One parcel will be affected by a permanent easement for a traffic signal and related equipment totaling 1,897 square feet at \$.50 per square foot. Since the property is owned by the Town of Johnson, the total cost will be \$1.00, of which 80% is Federally funded.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for conceptual approval of the acquisition of Condemnation Plat 344A, Parcel 1P, Atwood Avenue and Cherry Hill Road, Johnston.

Passed Unanimously

ITEM R - DEPARTMENT OF TRANSPORTATION – A request was made by the Department for conceptual approval of the acquisition of Condemnation Plat 1130A, Parcel 1, Atwood Avenue and Phenix Avenue, Cranston.

The Department is in the process of improving the roadway at the intersection of Atwood Avenue and Phenix Avenue, Cranston. One parcel will be affected by land acquisition totaling 679 square feet at \$10.00 per square foot, a sign and improvements. Improvements consist of one sign and junipers. Total cost is \$24,480.00, of which 80% is Federally funded. This is land owned by a plaza, where the Stop and Shop is located. There is a new sign that is only one year old and that is the reason for the high value of \$16,500.00 for the sign. The sign is owned by Bank of America. The Department does not believe that it will be paying the amount of \$16,500.00 for the sign, because they may relocate the sign, but that is not definite as yet. The Department would only be paying for the relocation of the sign, which would probably be approximately \$8,000.00.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for conceptual approval of the acquisition of Condemnation Plat 1130A, Parcel 1, Atwood Avenue and Phenix Avenue, Cranston. Approval was granted for acquisition of the land only and not for the sign.

Passed Unanimously

ITEM S - DEPARTMENT OF TRANSPORTATION – Requests conceptual approval of the acquisition of Condemnation Plat 2669, Providence Street, West Warwick.

The Department is constructing roadway improvements to Providence Street in West Warwick. Eight parcels will be affected, six of which are owned by the Town. One

parcel is affected by land acquisition totaling 177 square feet. Two (2) parcels are affected by temporary easements for two (2) years totaling 4,591 square feet. Two (2) parcels are affected by permanent aerial easements totaling 14,898 square feet. Two (2) parcels are affected by permanent guy easements totaling 631 square feet. One (1) parcel is affected by a permanent utility easement totaling 100 square feet. Total cost of the acquisition of land and easements is \$5,956.00, 80% of which is Federally funded.

A motion was made by Mr. Woolley and seconded by Mr. Ryan to approve the request of the Department for conceptual approval of the acquisition of Condemnation Plat 2669, Providence Street, West Warwick.

All matters presented to the Committee were approved by all present.

The Chair, Mr. Williams wished all a Happy Thanksgiving. Ms. McMahon expressed her warm wishes on the upcoming retirement of Ms. Lanni.

There being no further business to come before the Committee, the meeting adjourned at 12:30 P.M.

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Anne L. Lanni, Executive Secretary